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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/632,312 | 07/30/2003 | Stanley D. Wilson | 45,024 | 3679 |

28309 7590 01/28/2005

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| EXAMINER |
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BATSON, VICTOR D

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| ART UNIT | PAPER NUMBER |
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3671

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,312

Applicant(s)

WILSON, STANLEY D.

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 17 is/are allowed.
- 6) ☒ Claim(s) 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 12-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Objections

Claims 2,3,6,7,9,13-17 are objected to because of the following informalities: In claim 2 line 2, it appears that "is mounted" should be changed to "are mounted". Claim 3 improperly depends from itself. In claim 6 line 2, it appears that "comprising" should be changed to "comprises". In claim 6 line 11, it appears that "are" should be inserted after "brackets". In claim 6 line 11, it appears that "are" should be inserted after "brackets". In claim 6 line 11, "the extension members" lacks proper antecedent basis. In claim 7 line 2, "the extension members" lacks proper antecedent basis. In claim 9 line 2, it appears that "is mounted" should be changed to "are mounted". In claim 13 line 11, it appears that "are" should be inserted before "sized". In claim 17 "the support member" lacks proper antecedent basis. In claim 17, "the tractor's three-point hitch" lacks proper antecedent basis. In claim 17, line 33, it appears that "including" should be changed to "includes". In claim 17 line 41, it appears that "are" should be inserted before "sized". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8,11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (5,794,714).

Art Unit: 3671

Brown discloses a box scraper including a frame having spaced opposing end sides 102, a back side (considered the back side of member 134), a tool attachment having at least one arm (not numbered) having a first end and a second end, with the first end attached to a hydraulic lift 140, and a second end attached to a horizontal bar 146, with a tool member (considered wheels 150), and a rake member 120, positioned forward of the back side between the end sides of the box scraper and attached to a horizontal support member, with pivot means 124 for pivoting the rake member. Brown also discloses a self-guiding hitch system 104.

Allowable Subject Matter

Claims 9,10,12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-7,17 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses various scrapers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 24, 2005



Victor Batson
Primary Examiner
Art Unit 3671